

Congress of the United States
Washington, DC 20515

April 22, 2021

Mr. Michael Carvajal
Director
Federal Bureau of Prisons
320 First Street N.W.
Washington, DC 20534

Dear Mr. Carvajal,

We write today to share our ongoing concerns regarding the COVID-19 outbreak and vaccination program at FCI Fort Dix, and to follow up with additional questions regarding the Bureau of Prisons' (BOP's) pandemic response at the facility.

While the nation's overall COVID-19 vaccine rollout has sped up significantly under President Biden's leadership, the rollout at FCI Fort Dix has not kept pace. FCI Fort Dix received its first shipment of vaccines on January 19, 2021.¹ According to BOP's website, as of April 22, 2021 BOP has fully inoculated 1,479 incarcerated individuals at the facility, out of a total incarcerated population of 2,805.² In other words, the vaccination program at FCI Fort Dix has been ongoing for three months, but today barely more than half of the incarcerated population has received all of the required vaccine doses. In light of these statistics and the repeated deadly outbreaks at FCI Fort Dix, we urge you to prioritize the vaccination program at the facility. We recognize the many challenges in executing a successful vaccine program, and we appreciate the progress that FCI Fort Dix has made to date.

Additionally, we are concerned about the low overall rate of COVID-19 vaccination among BOP staff. As of April 22, 2021, there are 40 active COVID-19 cases among staff at FCI Fort Dix, indicating that a significant portion of the facility's employees most likely initially declined the vaccine.³ In your testimony before the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies on March 18, 2021, you stated that while BOP has offered the COVID-19 vaccine to all BOP employees, just 49% had accepted the vaccine.⁴ When asked for a rationale for the low rate of vaccination among BOP's staff, you replied, "I wish I could answer that...I am vaccinated, and I encourage all of my staff to get it." You subsequently mentioned that BOP created video messages to encourage staff to get vaccinated. During your more recent testimony before the Senate Judiciary Committee on April 15, 2021, you stated that

¹ See response letter from Acting Warden of FCI Fort Dix L. N'Diaye to Senator Menendez dated April 9, 2021.

² <https://www.bop.gov/coronavirus/>

³ Ibid.

⁴ <https://appropriations.house.gov/events/hearings/covid-outbreaks-and-management-challenges-evaluating-the-federal-bureau-of-prisons>

approximately 51% of BOP staff had accepted the vaccine, which indicates that system-wide, BOP made minimal progress in vaccinating more staff over the past month.⁵

Vaccine hesitancy is certainly a complex issue. However, to protect the safety of staff, incarcerated individuals, and our communities, it is imperative that BOP moves quickly to overcome this challenge. As BOP notes on its website, staff come and go between the prison and their communities, presenting many opportunities for COVID-19 transmission to occur and cause an outbreak.⁶ We appreciate BOP's existing efforts to improve vaccine confidence among staff in collaboration with the employee's union, AFGE Local 2001. We urge you to continue to build on these collaborative efforts and take additional steps to encourage both your employees and the incarcerated people under your care to receive the COVID-19 vaccine. For example, BOP might undertake or expand targeted and peer-to-peer messaging campaigns. BOP might organize a vaccination drive for staff at the employee's union hall or some other suitable off-site location over a weekend in order to encourage increased vaccination uptake. BOP might create and publicize feedback mechanisms for staff and incarcerated individuals to ask questions about the vaccines, if such a system is not in place already.⁷ Our staff would welcome the opportunity to discuss BOP's current and future efforts to improve vaccine confidence at FCI Fort Dix with a representative from your office.

In light of the concerns detailed above and the continued relevance of questions from our previous inquiries that BOP has not yet fully addressed, we respectfully request that BOP provide detailed responses to the following questions no later than May 7, 2021:

1. As of April 22, 2021, BOP's website states that 243 staff members at FCI Fort Dix are fully vaccinated against COVID-19. How many staff members does FCI Fort Dix currently have in total?
2. You stated in your testimony before the Senate Judiciary Committee on April 16, 2021 that the BOP is not tracking if staff members receive the COVID-19 vaccine in the community. Does BOP plan to begin collecting this data to ensure a more accurate understanding of BOP's workforce and incarcerated population's vulnerability to COVID-19, and therefore the agency's readiness to normalize operations?
3. What steps has BOP taken and what steps does BOP plan to take to educate FCI Fort Dix staff about the COVID-19 vaccine and to encourage staff to receive the vaccine? Please provide a detailed timeline and description of these efforts.
4. How many incarcerated individuals at FCI Fort Dix have received at least one vaccine dose?
5. Is BOP working towards specific numerical goals for COVID-19 vaccinations for incarcerated individuals and staff, both system-wide and at FCI Fort Dix? We are most interested in goals related to the number of vaccinations completed (rather than offered).
6. You stated in your testimony before the Senate Judiciary Committee on April 15, 2021 that the vaccine acceptance rate among incarcerated individuals is approximately 66%.⁸

⁵ <https://www.judiciary.senate.gov/meetings/04/08/2021/oversight-of-the-federal-bureau-of-prisons>

⁶ <https://www.bop.gov/coronavirus/>

⁷ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/toolkits/essential-workers.html>

⁸ <https://www.judiciary.senate.gov/meetings/04/08/2021/oversight-of-the-federal-bureau-of-prisons>

What is the current vaccine acceptance rate among the incarcerated individuals at FCI Fort Dix?

7. What steps has BOP taken and what steps does BOP plan to take to educate the incarcerated individuals at FCI Fort Dix about the COVID-19 vaccine and to encourage them to receive the vaccine? Please provide a detailed timeline and description of these efforts.
8. In his response letter to our offices dated April 9, 2021, FCI Fort Dix Acting Warden L. N'Diaye stated that BOP plans to spend approximately \$165 million of the \$300 million of the emergency funding for the agency from the Consolidated Appropriations Act of 2021 on "contracts." What specific types of contracts does BOP plan to spend the \$165 million on? Please provide a more detailed description of how BOP will use this funding.
9. To date, approximately two-thirds of the incarcerated population of FCI Fort Dix has tested positive for COVID-19.⁹ How many currently incarcerated individuals at FCI Fort Dix who contracted the virus at the facility are experiencing long-term COVID-19 symptoms, or "long COVID"?
10. In our March 3, 2021 letter, we asked if BOP is offering any additional resources to formerly incarcerated individuals who contracted COVID-19 at FCI Fort Dix and are now experiencing long-term symptoms. In his April 9, 2021 response letter, FCI Fort Dix Acting Warden L. N'Diaye noted that BOP is providing individuals with longer prescriptions upon release. Is BOP offering any other additional supports or services to incarcerated individuals who contracted COVID-19 at FCI Fort Dix and are experiencing symptoms of long COVID at the time of their release?
11. Acting Warden L. N'Diaye's response letter dated April 6, 2021¹⁰ stated that face masks were last distributed to incarcerated individuals at FCI Fort Dix in February 2021. Given that according to his letter the facility currently has an "ample supply" of PPE, can BOP proactively distribute masks to the facility's incarcerated population on a more frequent basis? If so, please specify BOP's planned schedule for mask distribution to incarcerated individuals at FCI Fort Dix.
12. Acting Warden L. N'Diaye's response letter dated April 6, 2021 stated that incarcerated individuals can request replacement face masks. Are replacement masks available to incarcerated individuals free of charge?
13. What type or types of face masks (e.g. disposable surgical masks, cloth masks, or N95 masks) does BOP provide to incarcerated individuals at FCI Fort Dix?

Thank you for your timely consideration of this urgent matter.

Sincerely,



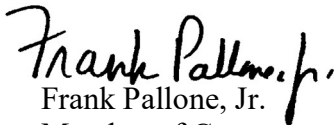
Robert Menendez
United States Senator



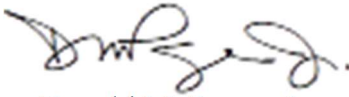
Cory A. Booker
United States Senator


⁹ <https://www.bop.gov/coronavirus/>


¹⁰ See response letter from Acting Warden of FCI Fort Dix L. N'Diaye to Senator Menendez dated April 6, 2021.



Frank Pallone, Jr.
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